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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 1000.023CON	
In re Application of: Burke Barrett et al.		
Application No.: 10/612,683		
Filed: July 1, 2003		
For: Treatment of Obesity By Bilateral Vagus Nerve Stimulation		
The owner*, Cyberonics, Inc. , of 100 percent interest in except as provided below, the terminal part of the statutory term of any patent granted on the instant the expiration date of the full statutory term <b>prior patent</b> No. 6,609,025 as the term of said and 173, and as the term of said <b>prior patent</b> is presently shortened by any terminal disclaimer. The granted on the instant application shall be enforceable only for and during such period that it and the pagreement runs with any patent granted on the instant application and is binding upon the grantee, its said prior patent in the pagreement runs with any patent granted on the instant application and is binding upon the grantee, its said prior patent in the said patent patent in the patent pat	prior patent is defined in 35 U.S.C. 154 owner hereby agrees that any patent so irior patent are commonly owned. This	
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:  expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.		
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2. The undersigned is an attorney or agent of record. Reg. No. 37,931		
Limetry X Scall Signature	06/21/07 Date	
Timothy L. Scott Typed or printed name		
( B )	(281) 727-2652 Telephone Number	
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PTO/SB/26 (04-07)
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